IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 11 OF 2006

1. Nevil Philip Andrandes,
2. Blancy Nevil Andrandes,
3. Jorgina Robert Andrandes,
4. Willim Thomas Andrandes,
5. Patric Thomas Andrandes,
6. Peter Francis Andrandes,
7. Lusy Patric Andrandes,
8. Brunet Anthony Andrandes,
9. Rita Nelson Andrandes. ...Applicants

V/s.

The State of Maharashtra. ...Respondents

Mr.Prakash Naik for Applicants.
Mr.S.S. Tatkare, APP for State.
Mrs.Sandesh Deshpande for Complainant.

CORAM : V.M. KANADE, J.

DATED : JANUARY 18, 2006

P.C. :-

. Heard learned Advocate for the applicants and learned APP for the State.

2. This is an application for anticipatory bail filed by the applicants as they have an apprehension that they are likely to be arrested by the Vasai Police Station in connection C.R.No.I-124 of 2005 dated 17th December, 2005 for the offences punishable under

Sections 147, 148, 149, 452, 326 of the IPC.

3. The prosecution case is that on 17th December, 2005, the applicants and one Pascal assaulted Manish and others with iron rod and chain and as a result of assault, Manish had to be admitted in the hospital and there was a grievous hurt as a result of assault. Other members of the complainant family were also injured.

4. The learned Counsel for the applicants has invited my attention to the statement which is recorded by the police on the complaint filed by Mary Michael Andrandes. He submitted that in the complaint, it is mentioned that the applicant no.1 had a iron rod in his hand and Pascal had a chain and they assaulted Manish on his head and the others assaulted her husband. He submitted that thus other applicants no.2 to 9 have not inflicted the injury on the head of the complaint’s son.

5. It is an admitted position that there was a dispute between the complainant and the accused regarding the construction of a compound wall and a

civil suit between the parties is also pending in the Court. It appears that applicant no.1 also had severe injuries and though he had filed complaint with the police, his complaint was not recorded.

5. In this view of the matter, I am of the view that the applicants have made out a case for grant of anticipatory bail. In the event of the applicants' arrest by Vasai Police in connection with C.R.No.I-124/2005 for the offences punishable under Sections 147, 148, 149, 452 and 326 of the IPC, the applicants be released on bail in the sum of Rs.5000/- each with one or two sureties in the like amount. The applicants, however, to report the Vasai Police Station twice in a month till the chargesheet is filed.

. The application is allowed in the above terms.

(V.M. KANADE, J.)